S.B. CIVIL WRIT PETITION NO.2014/2003

Abdul Rashid Vs. State of Rajasthan & ors.

Date : 15.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Anand Purohit, for the petitioner.
Mr. Shyam Ladrecha, Addl. GA, for the respondents.

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Heard learned counsel for the parties.

Learned counsel for petitioner submitted that after the notification Annex.1, the petitioner became eligible to have the training of Lab Attendant and the respondent in para no.8 of their reply stated that, “The petitioner is not at all entitled to seek the admission in the training and he could at the best be eligible after passing of Annexure-1 i.e. For the notifications to be issued subsequent to the date of Annexure-1.” In para no.3 of the reply also, the respondents stated that, “It is thus, clear that earlier only class IVth employees were entitled to under take the training of Laboratory Attendant and it is only after issuance of Annexure.1, the petitioner could have become eligible for the said training.”

In view of the above, learned counsel for the petitioner submitted that the petitioner's eligibility has been admitted and in this case, the petitioner who was of

30 years of age in the year 2003 was eligible so far as age limit is concerned at the time of filing of the writ petition as earlier the age limit was 35 years and now the age limit has been increased to 40 years, is also an admitted fact. Therefore, the petitioner is not disqualified on the ground of above age.

In view of the above admitted facts, this writ petition is allowed. The petitioner, in case, applies for the training course now, his candidature may be considered by the authorities concerned.

(PRAKASH TATIA), J.

S.Phophaliya